



Town of Dumfries
Council Meeting

Meeting Date: January 22, 2013

Agenda Item# VI - H

AGENDA ITEM FORM

TYPE OF AGENDA ITEM:

- ☐ CONSENT AGENDA
☐ PRESENTATION
☐ ACTION ITEM
☐ TOWN MANAGER & STAFF COMMENTS
☐ PUBLIC HEARING
☐ Duly Advertised

PURPOSE OF ITEM:

- ☐ INFORMATION ONLY
☒ DISCUSSION ONLY
☐ DISCUSSION AND/OR DECISION
☐ Introduction ☐ Resolution
☐ Ordinance ☐ Grant/MOU
☐ By Motion ☐ Bylaws
☐ Certificate

PRESENTER: Christine Sanders

PRESENTER TITLE: Town Attorney

AGENDA ITEM:

Comcast Franchise renewal

BACKGROUND / SUMMARY:

The Town's Comcast Cable Franchise agreement is due for renewal. The Town Attorney, Town Manager, and staff have been in discussions with Comcast's representative, Marie Shuler.

ATTACHMENTS:

Memo

REQUESTED ACTION:

Discussion and decision on moving this forward for review of franchise renewal.

FOR MORE INFORMATION, CONTACT:

Name: Christine Sanders

Phone#: (703) 221-3400 ext 112

E-mail: csanders@dumfriesva.gov

FOR USE DURING MEETING

Y	N
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>

Brewer
Reynolds
Wood

Y	N
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>

VOTE:

Foreman
Toney

☐ PASSED

Y	N
<input type="checkbox"/>	<input type="checkbox"/>
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☐ NOT PASSED

Forrester
Washington



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MEMORANDUM

TO: Mayor Foreman, Vice Mayor Toney and Town Council
Daniel E. Taber, Town Manager

FROM: Christine R. Sanders, Town Attorney

DATE: January 16, 2013

RE: Comcast Cable Franchise - Renewal

Background:

The Town entered into a franchise agreement ("Franchise Agreement") with Comcast's ("Comcast") predecessor in interest, Columbia Associates, L.P d/b/a Columbia Cable of Virginia in June, 1992. This Franchise Agreement is due to be renewed, the old agreement having expired June 30, 2011. Comcast's government relations manager, Marie Schuler contacted me and the Town Manager to discuss extension and renewal of the Franchise Agreement.

Pursuant to the expired Franchise Agreement and the discussions underway for a renewal of this agreement, Comcast would provide the Town with one (1) public access cable channel, pay a franchise fee pursuant to the State communications sales tax, comply with customer service requirements imposed by the Town, and other important operational activities consistent with federal, state and local law.

Staff conducted an internal review of services provided by Comcast to the Town government and Comcast will agree to update equipment and service in all Town buildings: town hall, the police station and the community center.

Process:

Section 3.07 of the Dumfries Town Code requires the Town Council to grant extensions of a franchise agreement by ordinance. Comcast initially sent notice to the Town in 2008 of its option to renew its franchise under a formal renewal procedure pursuant to the 1984 Cable Communications Policy Act. While a formal process may be undertaken it is not necessary and to date, staff has been in cordial informal negotiations on renewal of the Comcast Franchise.

With this in mind, it is now advisable for the Town Council to consider an assessment regarding the efficacy of a renewed Franchise Agreement, the Town's

needs, including customer needs and levels of service available, customer service-related matters, the ability for Comcast to deploy state-of-the art technology at new service offerings and possibly construction of an I-NET or institutional network built and dedicated for local government use.

As stated above, staff has taken the lead in negotiating with Comcast on all issues as they relate to applicable federal, state and local laws. After receiving Council comments on renewing the Franchise Agreement, staff will bring a final draft of a Franchise Renewal back to Council at one of its regular monthly meetings. The adoption of the Franchise Agreement Renewal shall be by ordinance after being publically advertised and noticed.

Requested Action:

Council vote to bring this back to a regular Council meeting for the introduction of an ordinance to renew the Comcast Franchise Agreement.